



2025:CGHC:51830-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 734 of 2025

Ku. Smriti Verma D/o Shobhit Ram Verma Aged About 27 Years D/o
Mother Late Smt. Manisha Verma, R/o Tehsil And District- Gariyaband,
Chhattisgarh **... Appellant**

versus

1 - The State of Chhattisgarh Through Secretary, Department Of School
Education Department, Mahanadi Bhawan, New Raipur, District- Raipur,
Chhattisgarh

2 - The Block Education Officer Gariyaband, District- Gariyaband,
Chhattisgarh

... Respondents

For Appellant : Ms. Purnima Singh, Advocate

For Respondent/State : Mr. Y.S. Thakur, Addl. A.G.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

17.10.2025

1. The appellant/writ petitioner has filed this writ appeal assailing the order dated 09/04/2025 passed by the learned Single Judge of this Court in WPS No. 6000/2017, by which, the learned Single Judge has dismissed the petition filed by the appellant/writ

petitioner.

2. Facts of the case, in brief, is that the mother of the petitioner, namely, Smt. Manisha Verma was posted on the post of Assistant Teacher under respondent No. 2. she died in harness on 09.12.2000. The deceased left behind her two daughters and one brother. The date of birth of the petitioner is 30.07.1997, she passed the Class X examination in the year 2011 and the Class XII examination in the year 2013, thereafter, she moved an application for the compassionate appointment on 05.08.2015, which was rejected by the department vide order dated 29.08.2017, against that order, this petition has been preferred.
3. In the writ petition, learned counsel for the petitioner was contended that the respondents wrongly applied the policy of 2003, whereas, the mother of the petitioner had died in the year 2000 and at that time, the policy of 1994 was in existence, which provides that the dependent of the deceased Government servant may approach the authorities for the compassionate appointment after attaining the age of the majority. It was contended that the petitioner attained the majority in the year 2015, and thereafter, moved an application for the compassionate appointment on 05.08.2015, and thus, the application was within limitation. Learned counsel for the appellant further submits that the appellant was deserted by father soon after the death of Mother and the father has also remarried in short span, and therefore the

appellant and brother and sister were forced to live with maternal Old aged Grandmother. Thus, the impugned order may be set aside and direct the respondent authorities to grant compassionate appointment to the petitioner in lieu of death of her mother.

4. Learned counsel for the respondent submits that the learned Single Judge has rightly dismissed the writ petition filed by the appellant/writ petitioner, which does not call for any interference.
5. Relevant paragraphs 8 & 9 of the order passed in writ petition, wherein the learned Single Judge has observed as under:-

8. The very object of providing compassionate appointment is to ameliorate the condition of the family at the relevant time and the same has been achieved as the family has already survived for such a long period. Further, the Hon'ble Supreme Court has ruled that the compassionate appointment is a way to provide immediate financial assistance to families who have experienced a sudden hardship.

*9. Taking into consideration the above-discussed facts and the law laid down by the Hon'ble Supreme Court, no case is made out for interference. Consequently, the instant petition fails and is hereby **dismissed** .*

6. We have heard learned counsel for the parties and perused the material available in the record.
7. From the material available on record, it is manifest that at the time of death of the deceased employee on 09/12/2000, the petitioner was a minor and only after attaining the age of majority i.e. after one and a half decade, the petitioner moved an application for grant of compassionate appointment. The provision of compassionate appointment is a way to provide immediate financial assistance to the families who have experienced a sudden hardship. The petitioner shall not be entitled to appointment on compassionate ground after a numbers of years from the date of death of her deceased mother.
8. The supreme Court in the matter of ***State of Maharashtra and another Vs. Ms. Madhuri Maruti Vidhate***, reported in ***AIR Online 2022 SC 471*** held at paragraph Nos. 7 & 8 as under.-

"7. Thus, as per the law laid down by this Court in the aforesaid decisions, compassionate appointment is an exception to the general rule of appointment in the public services and is in favour of the dependents of a deceased dying in harness and leaving his family in penury and without any means of livelihood, and in such cases, out of pure humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to

make both ends meet, a provision is made in the rules to provide gainful employment to one of the dependents of the deceased who may be eligible for such employment. The whole object of granting compassionate employment is, thus, to enable the family to tide over the sudden crisis. The object is not to give such family a post much less a post held by the deceased.

7.1 Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand, to appoint the respondent now on compassionate ground shall be contrary to the object and purpose of appointment on compassionate ground. The respondent cannot be said to be dependent on the deceased employee, i.e., her mother. Even otherwise, she shall not be entitled to appointment on compassionate ground after a number of years from the death of the deceased employee.

8. Under the circumstances and in the facts and circumstances of the case narrated hereinabove, the Tribunal as well as the High Court have committed serious error in directing the appellants to appoint the respondent on compassionate ground. The judgment and order passed by the Tribunal confirmed by the High

Court directing the appellants to consider the case of the respondent for appointment on compassionate ground after a number of years is unsustainable."

9. Considering the submissions advanced by the learned counsel for the parties, perusing the impugned order and the finding recorded by the learned Single Judge, we are of the considered view that the same is just and proper warranting no interference of this Court.
10. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**.

SD/-

(Bibhu Datta Guru)
Judge

SD/-

(Ramesh Sinha)
Chief Justice